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Security Council

Sixty-third year

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Wednesday, 5 November 2008, 10 a.m.
New York

President:	Mr. Urbina	(Costa Rica)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Koudougou
	China	Mr. La Yifan
	Croatia	Mr. Vilović
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2008/662)

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08-58804 (E)

The meeting was called to order at 10.10 a.m.

Expression of thanks to the retiring President

The President (*spoke in Spanish*): As this is the first meeting of the Security Council for the month of November, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Zhang Yesui, Permanent Representative of the People's Republic of China to the United Nations, for his service as President of the Security Council for the month of October. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Zhang for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2008/662)

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them document S/2008/662, which contains the report of the Secretary-General on the Sudan.

At this meeting, the Security Council will hear a briefing by Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations. I now give him the floor.

Mr. Mulet: I thank you, Mr. President, for this opportunity to brief the Council on the status of the implementation of the Comprehensive Peace Agreement (CPA) between the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM). In addition to introducing the report of the Secretary-General of 20 October (S/2008/662), I will provide an update on the most recent developments in the peace process.

As the report speaks for itself, I will limit myself to highlighting the key points. The first, and rather significant, point is that no major ceasefire violations have occurred during the reporting period, and the overall security situation remains relatively calm in Southern Sudan and the transitional areas, including Abyei. Overall, however, the status of CPA implementation remains a mixed picture of slow but continuing progress and a number of major outstanding challenges.

The parties have a common interest in keeping the CPA on track, as neither can afford to return to armed conflict. They cooperate on a host of issues and interact on a daily basis in government institutions and security mechanisms. Nevertheless, they continue to postpone and delay the implementation of the more difficult aspects of the CPA.

In regard to making unity attractive as called for under the CPA, the Council of States and the Southern Sudan Legislative Assembly held their first-ever joint session, in Juba, at which they affirmed the necessity of supporting the CPA and achieving comprehensive economic development for the entire country by making use of the vast resources of the Sudan. They also restated the significance of the popular consultations that will precede the 2011 referendum as well as of adhering to its final result.

The official launch of the Sudan People's Initiative, in an effort to seek a political settlement for Darfur, is a significant development that, if inclusive, could go a long way in addressing the concerns of Darfurians and could signal a new era in Sudanese politics. The Initiative, which has now been renamed the Sudan People's Forum (SPF), has formed seven committees dealing with various issues, including development and reconstruction, security and internally displaced persons (IDPs), refugees and voluntary returns, and is tasked with proposing means and mechanisms for handling the conflict in Darfur and other national issues. The SPF has received the final reports of all seven committees, and the Forum's Presidential Board should meet this week to discuss the reports and prepare final recommendations by the second week of November.

Preparations for and the holding of free and fair elections will be a major challenge. Despite the July passage of the electoral law, other preparations have made little progress. The nine-member National Elections Commission (NEC) has still not been formed; nor has the Political Parties Affairs Council, which is required for the registration of political parties.

However, there have been some positive developments. The Joint SPLM/NCP High-Level Political Committee has recently discussed the submission of six laws in the National Assembly for adoption at its current session, including the press and media law, the referendum act and the national security act, three long-awaited pieces of legislation that are vital for the holding of elections. It is hoped that the subcommittee will meet again on 15 November to review comments before submitting the draft laws to the High-level Committee for final endorsement.

During his visit to the Sudan in October, Under-Secretary-General for Peacekeeping Operations Alain Le Roy met in Juba with officials of the Government of Southern Sudan, who acknowledged that they would need to agree with the National Congress Party on a date for elections. For its part, the NCP has made clear that it expects the elections to take place on time, that is, before the July 2009 deadline. However, that target date falls in the middle of the rainy season, during which the preparation and holding of elections would be nearly impossible. In addition to significant logistical challenges that need to be addressed, massive voter education is required, particularly in the south, where illiteracy is high and where voters will be casting up to 12 ballots.

The situation in Abyei has improved considerably in recent months. Although implementation of the Road Map for the Return of Internally Displaced Persons and Implementation of the Abyei Protocol is behind schedule, important progress has been made, in particular on the security front. Troops from both sides have essentially withdrawn from the mutually agreed Road Map area, except from small pockets in the north and south. The newly formed Joint Integrated Unit (JIU) battalion has taken charge of security, with more deployments to follow. In addition, a joint integrated police unit is now patrolling and manning checkpoints in Abyei town. However, in order to sustain progress, the Government and the donor community must support the development of the rule of law in Abyei, particularly the judicial system, and address security and reconstruction needs.

Although the Abyei civilian administration has been appointed, it has not yet been deployed. Nevertheless, the relatively stable security situation in the Road Map area has encouraged displaced civilians to start returning to their homes. The United Nations Mission in the Sudan (UNMIS) now enjoys full freedom of movement within the Road Map area, enabling it to monitor the situation and providing it with the means to better predict and prevent conflict.

In another welcome development, on 28 October, the Permanent Court of Arbitration in The Hague announced the appointment of Pierre-Marie Dupuy as the Presiding Arbitrator of the Abyei Arbitration Panel, which will decide on the boundaries of the area, as called for by the Abyei Road Map Agreement. The parties now have six weeks to present oral arguments before the Panel and to submit written documentation by 12 December. The Panel is expected to issue its final decision by June 2009.

Demarcation of the 1 January 1956 border is a key element of CPA implementation and a determining factor for the division of oil wealth, the northern boundary of Abyei and final redeployment. Following a number of delays, it is still unclear when the Border Commission report will be issued. In any event, it would be important for the parties to start discussing possible future arrangements on border-related questions, regardless of the outcome of the referendum in 2011.

Recently, there have been a number of reports by external think tanks on the potential for conflict in Southern Kordofan, another of the three transitional areas straddling the border between the North and the South. While agreeing that the situation remains volatile, UNMIS also points to certain positive developments, including the recent opening of areas controlled by the Sudan People's Liberation Army that were previously closed. Given the continued precariousness of Southern Kordofan, the Mission is monitoring the situation closely and developing a conflict management strategy for all the transitional areas, which are likely to be the most volatile during the rest of the CPA interim period.

The request by the Prosecutor of the International Criminal Court for an arrest warrant against President Omer Al-Bashir has become a focus of political life in

the Sudan. It could have serious security and other implications for both UNMIS and the African Union-United Nations Hybrid Operation in Darfur and could potentially derail the CPA process. Nevertheless, UNMIS has continued to carry out its mandated tasks and will ensure that security measures are in place in the event of an indictment.

However, we are concerned about suggestions of an uncontrolled reaction to an indictment by the population against UNMIS. We are also concerned by statements of Government officials of an intention to expel United Nations staff members or Mission components that are thought to have cooperated with the International Criminal Court, even though they are performing their authorized functions, as directed by the Security Council. In that regard, we expect the Government to abide by the status-of-forces agreement and to ensure the safety, security and protection of United Nations premises and staff. We will be counting on the full support of the Council in that regard.

Since the previous report to the Council (S/2008/485), there has been significant progress in implementing the CPA, which has contributed to a normalization of the situation in many areas of the Sudan. As outlined in the current report, the general humanitarian situation in Southern Sudan and the transitional areas has seen very significant numbers of IDPs returning to their homes, and the focus is shifting to recovery and development. At the same time, however, there is an urgent need to focus on the issues that will enable the parties to achieve the referendum and ensure stability post-2011. That will require the parties to cooperate and compromise. While they will have to bear the brunt of the work, international assistance will remain vital in numerous areas, including in disarming, demobilizing and reintegrating parties and assisting in confidence-building, mediation, human rights and capacity-building.

The President (*spoke in Spanish*): I thank the Assistant Secretary-General for Peacekeeping Operations for his briefing.

I shall now give the floor to members of the Council.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, Sir, I would like to congratulate you on your assumption of the presidency of the Council for this month. We assure you of our constructive cooperation and we are confident of your successful management of the Council's affairs. I would also like to express our appreciation for the efforts of our colleague the Permanent Representative of China and his team and for the efficient manner in which they guided our proceedings last month.

We would also like to thank Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations, for his briefing and for the optimism that he has expressed with regard to the prevailing situation.

Indeed, the report of the Secretary-General (S/2008/662) and Mr. Mulet's briefing are encouraging, as evidenced by Mr. Mulet's observation that there were no major violations of the ceasefire agreement during the reporting period and that implementation of the Comprehensive Peace Agreement (CPA) is slow, but steady. It is worth noting that there has been a noticeable improvement in the security situation in the area of operation of the United Nations Mission in the Sudan (UNMIS). The Abyei Road Map Agreement has continued to be implemented by the two sides under the supervision of the Mission. Moreover, the Joint Integrated Police Unit assumed its responsibilities in maintaining security after the departure of the forces of both sides from Abyei, and a Chief Administrator and a Deputy Administrator for the Abyei Interim Administration have been appointed. Internally displaced persons (IDPs) are returning to the city voluntarily. Although their return continues to be slow, it is, nevertheless, a positive indicator.

We have also noted a decrease in violence in Southern Kordofan among ethnic groups, a start to the integration of previously closed areas around Kauda and Julud, as well as the absorption of thousands of personnel of the Sudan People's Liberation Army (SPLA) into civil service departments and police structures, as stipulated by the CPA.

Also worth noting is the great progress in the redeployment of the Sudanese Armed Forces: 97 per cent of SAF personnel have been redeployed, according to UNMIS, although SPLA redeployment is still modest, barely exceeding 10 per cent. It is also encouraging to see estimates that 2.37 million refugees and IDPs have returned home since the signing of the CPA in 2005.

Furthermore, we would like to commend the progress in preparing for the elections, with the completion of the national census and adoption of an

electoral law. Moreover, discussions continue on the appointment of the members of the National Electoral Commission.

We believe that the disarmament, demobilization and reintegration programme is a very important element in implementing the CPA and in guaranteeing stability. Thus, we welcome the holding of a round-table conference for donors this month to discuss ways to fund that programme.

While those are all positive indicators that should be commended and welcomed, that does not mean that there are no challenges that require a great deal of effort on both sides. However, we are optimistic because of the spirit prevailing between the two parties and the fruitful cooperation that they have displayed.

We commend the efforts of UNMIS to implement the various aspects of its mandate, in particular training police units, demining and raising awareness about HIV/AIDS. We also wish to commend the ongoing cooperation between UNMIS and various United Nations entities as well as the link that it has established with the African Union Mission in the Sudan (AMIS) and with other missions: those in Darfur, the Central African Republic, the Democratic Republic of the Congo and Chad.

We welcome the Sudanese Government's appointment of a Special Prosecutor to investigate allegations of human rights abuses committed in Darfur since 2003. That is a positive step that the Security Council must take into account when assessing the existence of conditions conducive to progress in the peace process. Furthermore, we believe that the Sudan People's Forum, a national effort to resolve the Darfur crisis, could lead to practical measures that would help to resolve the crisis. We express our support for the Forum and call on the international community, represented by the Security Council, to support it in every way possible. We also commend the efforts of Mr. Djibril Bassolé, African Union-United Nations Joint Chief Mediator, to persuade all rebel factions to join the political settlement process in Darfur.

Last but not least, we agree with paragraph 81 of the report of the Secretary-General (S/2008/662), which states that

> "developments in the Sudan will be influenced to a large extent by the relevant activities of the International Criminal Court," — such as the indictment of President Al-Bashir — "and its actions could have the potential to profoundly affect the work of the United Nations in the Sudan, including humanitarian efforts, and the ongoing peace process in the Sudan".

Therefore, we call on the Security Council to heed that clear warning and, at the proper time, to take the necessary decision, namely, at a minimum, to activate article 17 of the Rome Statute of the International Criminal Court.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of Costa Rica.

I should like to begin by thanking Assistant Secretary-General Mulet for his briefing.

Although it is still necessary to move forward in implementing the Comprehensive Peace Agreement in the Sudan, particularly with regard to holding elections and a referendum and defining the terms for the distribution of oil revenues, my delegation welcomes the information about the progress made in implementing the Agreement.

With regard to the elections, we are pleased at the news that the Government of Southern Sudan has formally requested United Nations electoral assistance. We believe that this is an opportunity for the Organization to play an important role in helping the Southern Sudan authorities to ensure that the elections are free and fair. In that connection, we hope to receive further information once the needs assessment mission has been carried out.

Concerning the issue of Abyei, my delegation notes with satisfaction the news about the progress made in redeploying the forces that were in Abyei. However, it is important that the parties permit the report on Abyei to be finalized by the Ceasefire Joint Monitoring Commission so that measures can quickly be taken against those responsible for acts of violence and looting, in accordance with the conclusions set out in the report.

We agree with the Secretary-General that it is important that disarmament, demobilization and reintegration programmes be successfully implemented as a confidence-building measure. We regard as especially important the point made by the Secretary-General that confidence-building between the parties

should lead to a sustainable downsizing of military capabilities to the benefit of social expenditure. As everyone knows, that is a view that my country supports, and it is on precisely that issue that we are convening the high-level Security Council event on 19 November.

We welcome the news regarding the reintegration by UNICEF and the United Nations Mission in the Sudan (UNMIS) of 88 child soldiers and the pardon granted by the Government of the Sudan to 99 children who were arrested following the disturbances in Omdurman. My delegation recognizes the efforts of the Government of the Sudan with respect to the situation of children, but we cannot fail to mention our concern at knowing that there are still many child prisoners, a number of whom have been condemned to death.

My delegation regrets that, as the Secretary-General's report informs us, senior Sudanese officials have warned of possible grave consequences for UNMIS should an indictment against President Al-Bashir be handed down. In that connection, Costa Rica would like to recall that the Government of the Sudan must respect the independence of the judicial process and assist UNMIS in carrying out its mandate.

Finally, my delegation supports the Secretary-General's recommendation that the Security Council consider holding a thorough debate on provisions related to the protection of civilians in imminent danger. We have listened to and share the concerns repeatedly raised by the Department of Peacekeeping Operations, troop-contributing countries and the humanitarian community regarding the lack of clarity in civilian protection mandates. We believe that it is now time that the Council, together with the Secretariat and the General Assembly, in particular the Special Committee on Peacekeeping Operations, develop clear civilian protection guidelines that can be translated into realistic standards applicable to peacekeeping troops in combat situations. We hope that the forthcoming debate on the protection of civilians, to be held in December, will serve as an opportunity to discuss that important issue.

I now resume my functions as President of the Security Council.

There are no further speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to interactive and action-oriented informal consultations to continue our discussion of the subject.

The meeting rose at 10.40 a.m.